Unto his Grace, His Majeſties High Commiſſioner, and the Eſtates of Parliament;

The PETITION of the Creditors of Alexander Hunter *of* Murehouſe.

Humbly Sheweth,

THAT where the ſaid *Alexander Hunter* of *Murehouſe* his Petition for a Protection, having been remitted to the Committee for Private Affairs, True it is, That what thorow one diſapointment and another, ſometime by Reaſon of the want of a Coram, and other times that one or other of the Sub-Committee are neceſſarly withdrawn; It is hardly poſſible the Sub-Committe and Principal Committees Reports can be Adjuſted & made this Seſſion of Parliament, Whereby the ſaid *Alex. Hunter* propoſes the benefite of a Protection to himſelf, on the pretext of his having a depending petition for that purpoſe, before the Parliament, as Mr. *Alexander Haigens* ſecured himſelf, upon the like pretext, ſince the laſt Seſſion of Parliament, And ſeeing there was never a Debitor that ſo far abuſed his Creditors Nor Creditors that had ſo many pregnant Reaſons and Grounds why protection ſhould not be granted.

It is Humbly Begged his Grace, and the Honourable Eſtates of Parliament would be pleaſed in Reſpect of the following Reaſons herewith given in, To refuſe the ſaid Alexander *the benefite of a Protection; And Your Petitioners ſhall ever pray, &c.*

REASONS

Why Young Murehouſe *ought not to have a Protection againſt the Diligence of his own and his Fathers Creditors.*

ALL the Arguments adduced be Young *Murehouſe*, Being that he himſelf was at the loſs of his ten thouſand pounds of Tocher and upwards, which he gave [illegible] Father which is more than any on Creditor has loſt, And that he ſubſcrived Bonds with his Father, from time to time, Thinking that the money was imployed in Extinguiſhing of the former Bonds; And that the ſaid Young *Murehouſe* had no hand in the invading his Fathers Cloſet, and Cabinet the time of his Diſeaſe, and imbazeling of his Money, Writes, and Evidents; And conſequently, that Young *Murehouſe* was no wayes Acceſſory to this Great and Heavy Defrauding of the Creditors.

Primo, Ut cunque, The Father might have got the ten Thouſand pounds of Tocher payed in to him, Yet it is *Notorium*, That the Son did thereupon get the Fie of 28 Chalder of the Barronnie of *Murehouſe*, whereof one hundred pound Sterling in preſent poſſeſſion, which was an *exuberans remuneration* for the Tocher.

2*do.* The Sons Faith as Fiar having been followed be the Creditors, he was in *dolo peſſimo*, to have contracted Three Hundred Thouſand Merks of Debt, which was four times more than he was worth in the World.

3*tio.* It is but a Fatuous or Fooliſh Alleagance now *ex poſt facto*, for the Son to pretend, that he believed the Father was daily extinguiſhing old debts with

with the new borrowed Money; And if that were ſufficient to excuſe the fraud of a Son who is in Fee,and borrowed waſte Summs with his Father,the Life-renter; All the Security that People propoſe to themſelves by having the Feers Bond, would prove Eluſory, Beſide that, *Father* and Son being conjunct perſons, The Law preſumes their mutual Acceſſion to one anothers fraud; So that the Sons fooliſh and *gratis* aſſertion in this caſe, ought not to be reſpected.

4*to*. It is evident from the Depoſitions of Witneſſes, as well as the Inventar of Debts left under the *Fathers* hand, That as he borrowed about Sixty Thouſand pounds of Money the laſt Eighteen Moneths of his Life, whereof the fourth part can never be proven to have been imployed on payment of Debts; So he had about ſix weeks before his deceaſe ſeveral Bags full of Money lying in his Cloſet, and two ſhuttles of his Cabinet full of Guinnies, and half Guinnies; And that this Young *Murehouſe*, and his Accomplices, the night before his Fathers deceaſe, invaded the Cloſet, and Riffled and Carried away Baggs full of Papers, where thorow the Creditors by inſpection, at the ſight of the Magiſtrates, found nothing but a Guinnie, or half a Guinny lying in the bottom of the ſhuttles; And the Compt Books and Documents relative to the Defunct, his Borrowings and Tranſactions, for preceeding years; But nothing [illegible] the laſt Eighteen Moneths. So that the Sons Embazlement of the Writes,ſhould juſtly render him incapable of a Protection; Eſpecially, when conjoined with his fraudulent contracting four times more than he was worth.

5*to*. As an Evidenec of the Fraudulency of the Son, and his Accomplices, their meddling with the Cloſets & Cabinet, & as the Writes are a miſſing, *ut ſupra*, So it is nottourly known, That *John Hunter* Collector, young *Murehouſe* Uncle, and one of the Accomplices, found a way upon the Invading the Cloſet, as ſaid is, to get as much Money *in ſpecie*, as payed two or 3000 M. of Debt, wherein he ſtood Cautioner for the Defunct; And not one man of theſe four or five Accomplices, tho the neareſt Relations, that the Defunct had loſt a Sixpence by *Murehouſe*, But,

6*to*. The Loſers are upwards of *Fourſcore* and *Ten Creditors*, Strangers, whereof many Miniſters, both *Presbyterian* and the Outed *Epiſcopal* Clergie, Kirk-Seſſions, Poors-Boxes, Widows, Orphants; and Fatherleſs, as is evident by the Liſt of Debts, under the deceaſt *Murehouſe* his own hand

In Reaſon of all which [illegible] Protections againſt Lawfull Creditors are moſt Odious, Eſpecially, where no due accompt can be made of ſuch Waſte Borrowings, Murehouſe *Protection ought to be Refuſed.*

Depoſitions taken be Mr. Archibald Sinclare, *Sherriff-Depute of* Edinburgh, *Conform to a Commiſſion be the Privy Council, anent the Imbazeling and away taking of the deceaſt Mr.* James Hunter *of* Murehouſe, *his Writes and Evidents, by Invading his Cloſets and Cabinets, the time of his Deceaſe.*

Edinb: 23. October, 1694

JEan Broun Servitrix to the Old Lady *Murehouſe*, being Sworn and Examined, Depones that all that ſhe knows, Is, That about the time of *Murehouſe* his Death, The young Laird, and *John Hunter* the Collector, Doctor *Alaicketer*, and *Robert Boyd*, were for ſome time in the Dyning-Room, where there is a Door that enters to the Cloſet, but the Deponent does not know what their Buſſineſs was, and that one of the Gentlemens Servants came and lighted a Candle, But knows not for what purpoſe, but that he took it to the Dyning-Room, where the foreſaids Perſons were, the Door thereof being ſhut, &c *Sic Subſcribitur, J. B. Ar: Sinclair.* *Edinburgh,*

Edinburgh, 20. *October*, 1694.

Alexander Forman in *Drumſeuch*, Examined anent what Gold and Money he ſaw in *Murehouſe* his Cloſet, about ſix Weeks before he dyed, depones he ſaw ſeveral Baggs of Money, and two Shutles full of Guinzies and half Guinzies, when he was getting Money to pay the Shearers, and as to the abſtracting of Writes, depones as follows,

And being interrogat as to the Imbazelment and away taking of the Writes, Depones, That the Tueſday before the Laird dyed, he was in *Murehouſe* Lodging at *Edinburgh*, which day he was brought into the Town, and the Deponent ſaw Sir *Thomas Moncrief*, Doctor *Blaicketer*, *Robert Boyd*, and *John Hunter* Collector, who took the Keyes of the Cabenets and Cloſets, and delivered them to the Young Laird. And after the Friends had been ſome time together privately with cloſs doors, he ſaw *Michael Inglis* Gardiner at *Murehouſe*, carry out a pock full of Papers, and the Gairdner ſaid, the Friends were ſealling up the Papers, and knows no more, &c. *Sic Subſcribitur*, *Alex: Forman.*

Nota, *That* Murehouſe *dyed on the Thurſday immediatly thereafter.*

Edinburgh, 22. *October*, 1694.

Michael Inglis Gairdner in *Murehouſe*, being examined, depones, That the night after *Murehouſe* came to the Town, the Deponent was in his Lodging, where Sir *Thomas Moncreif*, Doctor *Blaicketer*, *Robert Boyd*, *John Hunter*, and the young Laird were preſent, and that he heard the young Laird ask for the Key of his Fathers Cloſet in the Town, from the Old Lady, who delivered the ſame to him, and that they the forenamed Perſons, were taken up in the Cloſet with ſealling of Papers, and that the young Laird came to the Deponent in the Dyning-Room, and delivered to him a ſealled bagg full of Papers, about the biggneſs of a pock wherein they carry a great Church Bible, which the young Laird deſired the Deponent to carry to Sir *Thomas Moncreif*'s Houſe, and accordingly the Deponent delivered the pock and papers to *George Forbes*, Sir *Thomas* his Servant, in Sir *Thomas* his Houſe, and that the nixt day, the young Laird being in *Robert Boyds*, where Sir *Archibald Murr*, and [illegible] the young Laird ordered the Deponent to bring back the ſaids Papers, which he did, and delivered the ſame to him, &c. *Sic Subſcribitur*, *Michael Inglis.*

Follows the Liſt of Mr. James Hunter *of* Murehouſe *Creditors, according to the Note left under his own hand Write, And as the ſeveral Bonds bears date, or year of GOD.*

ANNO 1679.

	lib.	*ß.*	*d.*
Elliot *in Drem*,	2000	00	0
Anno 1687.			
Mr. William Hamiltoun *Miniſter at Penniecook.*	1000	00	0
Thomas Kincaid	1333	06	8
	2333	06	8
Anno 1688.			
Mr. David Dunmure,	3333	06	8
Eliz. Callendar, *but* John Callendar *is conjunct principal, Ergo*,	0666	13	4
Mr. James Leſly *Writer, wherein Murehouſe is but Cautioner for* John Charters,	1666	13	4
	5666	13	4

Anno

Anno 1689.

	lib.	ß.	d.
Alexander Borthwick	0800	00	0
James Brown,	0666	13	4
Gilbert Nielſon,	0400	00	0
James Oſwald,	2400	00	0
Helen Watſon, &c,	2000	00	0
---5266	13	4	

Anno 1690.

Thomas Mitchel,	1000	00	0
Lord Pheſdo,	2666	13	4
Mr. Andrew Balfour,	0666	13	4
John Fairholme,	0666	13	4
Mr. Andrew Handyſide,	0666	13	4
Provoſt Mitchel,	1333	06	8
Mr. William Mitchel,	2000	00	0
William Robiſon,	0666	13	4
Mr. John Swintoun,	0666	13	4
Alexander Wright,	1000	00	0
Mr. James Leſly,	1000	00	0
Robert Burnet,	0666	13	4
---13000	00	0	

Anno 1691.

The Children of Patrick Wallace,	0492	04	6
Maltmens Box,	0666	13	4
Mr. John Alexander,	2666	13	4
Captain Bailie,	1333	06	8
Lady Lauriſtoun,	0666	13	4
Anna Murray,	1333	06	8
St. Cuthberts *Seſſion*,	1000	00	0
Patrick Forreſt,	4000	00	0
Robert Forreſter,	1333	06	8
David Gordon	1333	06	8
Sir John Hall,	2666	13	4
John Jaffery,	0666	13	4
Lord Fountainhall,	1333	06	8
Thomas *of* Fechfield,	1333	06	8
John Wilſon	0800	00	0
Bailie Young,	1333	06	8
Michael Norvell,	0333	06	8
Robert Hamilton,	1333	06	8
Thomas Hunter,	0550	00	8
---25175	14	2	

Anno 1692.

Mr. David Dunmuire	1666	13	4
Brodie *of* Aſleiſh,	1333	06	8
Jo: Law *Goldſmith*,	0333	06	8
William *Legat*,	2666	13	4
Mr. Matth: Moncrief,	1333	06	8
Mr. Jo: Mouat,	2333	06	8
Robert Sandilands	5000	00	0
Nicol Somervel,	2000	00	0
Miſtriſs Hair,	1333	06	8
---18000	00	0	

Anno 1693.

Lady Tarſappie,	1333	6	8
Sir George Sinclair,	2000	00	0
James Sinclair,	0166	13	4
Alexander Stuart,	0666	13	4
Dame Mar. Kinloch,	2000	00	0
Blairhalls Son,	4000	00	0
Walter Riddel,	1333	06	8
*L*ord Enſter,	1333	06	8
Mr. John Cameron,	1333	06	8
Al:& Wil: Calderwoods	1333	06	8
Mr. William Aikman	1666	13	4
Mr. Thomas Aikman,	1666	13	4
Captain Baillie,	2666	13	4
Carwhum,	1333	06	8
Sir George Lockhart,	2000	00	0
---24833	06	8	

Anno 2694.

James Sinclair,	0266	13	4
Mr. David Forbes,	4666	13	4
Jo: Baillie *of* Shirrel	2333	06	8
John Forbes,	1666	13	4
Elizabeth Rochhead,	1333	06	8
Mr. Andrew Wrie,	1666	13	4
Elizabeth Gardner,	3333	13	4
John Hamiltoun,	6666	13	4
John Little-John,	2000	00	4
Beſſie Murray,	0266	13	4
Sir Francis Kinloch.	1333	06	8
Mr. Andrew Cant,	1333	06	8
Lady Inneiſh	3333	06	8
Robert Todd,	0466	13	4
Mr. Maſſie,	0666	13	4
Agnes Cumming,	0333	6	8
Gaven Weir,	1333	06	8
Mr. George Johnſton	0200	00	0
---32200	7	8	

Creditors mentioned in the Liſt without date, but preſumable to be ſince the year 1693, *becauſe Annualrents are calculate within that time.*

	lib.	ß.	d.
Brown, *the Cordiners Daughters*,	0846	13	4
John Forſyth,	0200	00	0

Lady

	lib.	ß.	d.
Lady Condie,	0666	13	4
John Hunter *Skipper*,	4000	00	0
Thomas Henderſon,	0800	00	0
Laird *of* Penniecook,	0466	13	4
John Mitchel,	0666	13	4
Margaret Nielſon,	1000	00	0
Mr. Patrick Trent,	2000	00	0
Skeen *of* Hallyeards,	4000	00	0
Commiſſar Dalrymple,	1333	06	8
Craigiehall,	0300	00	0
Robert Hamiltoun,	0666	13	4
John Lim *in* Humby,	1333	06	8
------	18280	00	0

Summa of Debts contracted the years 1693 and 1694, ------ *lib.* 57033 *ß.* 14 *d.* 4
Whereof it cannot be made appear, That One Fourth Part was beſtowed for payment of the Debts; So that Three parts of Four muſt have been in his own hand, which has made them Embazle the Papers, leaſt the Myſterie ſhould be diſcovered.

Summa of all the Debts in this Liſt, ---------- *lib.* 146756 *ß.* 01 *d.* 10
Attour 12000 pounds, which has lately Emerged, And for payment of all, there appears not of Viſible Fortune, as much as will ſatisfie the one half.

HIS Grace and the Honourable Eſtates Would be pleaſed to nottice, That albeit Muirhouſe *may obtrude an Interloquitor by the Sub-Committee remitting the Depoſitions anent the Imbazlement to the Lords of the Committee.*

Yet, 1mo, *That Report was* Parte inaudita *upon the hail other Grounds above-repreſented.* 2do. *It proceeded upon* Muirhouſe *his Agents their catching of Commiſſar* Scougal *the other Member of the Sub-Committee, when putting his Foot in the Stirrop for* England, *about four of the Cloak on Saturday laſt; And after the Creditors Procurators had taken Inſtruments on their Loſs of ſeveral Dyets for want of the ſaid other Member, and proteſted that no Procedure ſhould be, until they were called and heard, & thereupon the Creditors thinking themſelves in ſecurity, did put the above Repreſentation to the Preſs. But,* 3tio. *The ſaid Report derogats nothing from the Truth of whats above ſaid be the Creditors in point of Law and other wayes inſtructed by the ſaid Documents in the Clerks hands.*

Follows the Sub-Committees Report aforeſaid.

THE Sub-Committee find no Documents produced by the Creditors of Alexander Hunter *of* Muirhouſe, *except the Depoſitions of three Witneſſes, who were examined by order of the Privy Council, upon the Imbazlement of the deceaſt* Muirhouſe *his Money and Papers, and therefore they referr to the Committee to conſider, whether the ſaids Depoſitions ſhould ſtop the Protection or not.*

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